

REMARKS

Claims 33, 34, 36, 38, 41, 42 and 45-47 are pending in this application. Claims 1-32, 35, 37, 39, 40, 43 and 44 have been cancelled. Applicant reserves the right to pursue all subject matter excluded by the present amendments in future continuation or divisional applications.

Claim 40, directed to an agarose spacer molecule, was indicated as free of prior art in the Final Office Action dated September 29, 2006 and was not substantively rejected on any grounds or objected to. Office Action, p. 9, line 2. Applicant maintains its position with respect to all previous rejections, however, in order to expedite prosecution and place the case in condition for allowance, claim 38 has been amended to incorporate the limitation of claim 40; and claims 33, 34, 36, 41 and 45-46 have been amended to depend directly or indirectly therefrom. Claim 47 has been newly added. The amendments and new claim find support in the application and originally filed claims. Support for new claim 47 can be found, for example, at p.4, line 36 to p. 5, line 7. Support for BMP protein, as used in claim 36 can be found, for example, at p. 2, lines 30-34. Accordingly, the present amendments raise no issue of new matter.

Entry of the amendments herein are appropriate as the amendments place the case in condition for allowance.

CONCLUSION

In view of the above amendments and remarks, reconsideration and favorable action on all claims is respectfully requested. At the minimum, Applicant requests entry of the amendments herein because they place the case in better condition for allowance or reduce issues upon appeal. In the event any matters remain to be resolved in view of this communication, the Examiner is encouraged to contact the undersigned so that a prompt disposition of this application can be achieved.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check

being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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